



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: J. Henslee, et al.

Express Mail Label: EV314261154US

Serial No.: 09/975,502

Filed: October 11, 2001

For: REAGENTS AND METHODS USEFUL
FOR DETECTING DISEASES OF THE
BREAST

Case No.: 5972.US.P7

Group Art No.: 1642

Examiner: A. Harris

TRANSMITTAL LETTER

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith for the patent application identified above entitled REAGENTS AND METHODS USEFUL FOR DETECTING DISEASES OF THE BREAST are the following:

1. Request for Continued Examination (RCE) Transmittal (1 Page) in duplicate;
2. Communication Regarding Delay Between Amendment Filed on October 6, 2004 and Issuance of Advisory Action (1 Page);
3. Request for Extension of Time (1 Page) in duplicate; and
4. Return Receipt Postcard.

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
J. Henslee, et al.


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**COMMUNICATION REGARDING DELAY BETWEEN AMENDMENT UNDER
37 C.F.R. 1.116 FILED ON OCTOBER 6, 2004 AND ISSUANCE OF
ADVISORY ACTION**

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Amendment Under 37 C.F.R. 1.116 was filed in the present case on October 6, 2004. (A Notice of Appeal and Request for Extension of Time were also filed on October 6, 2004.) However, it must be noted that an Advisory Action (prepared in response to Applicants' Rule 116 Amendment) was not issued until April 18, 2005. Unfrotuantly, as a result of this undue delay on the part of the U.S.P.T.O., a five month extension fee must be paid by Applicants concurrently with the filing of the continuation application filed herewith in order to maintain pendency of the application. Since the Advisory Action should certainly have been issued within the two month period following the filing of the Notice of Appeal, it is respectfully requested that the five month extension fee be refunded to Deposit Account No. 01-0025.

Respectfully submitted,
J. Henslee, et al.

Cheryl L. Becker
Registration No. 35,441
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